App. F. IX-4

PRESERVED

1937.
(Cls)

File No. 172-37
Serial Nos. 1-9-15

Previous References
Cls 169-36-3
" 117-37-1-2
" 169-36-1-2
Letter References
Cls 117-37-344

To be preserved permanently

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 15

Part B for Aug 1938

SUBJECT.

Surrender of A Sreekantiah to Burma.

Sl-14 To The Secy to the Resident No pol 1299 27-7-38

WD 0295—GPB—22,500—13-8-37

Intimates the issue of a warrant to the D.M.B (one D/C) for the surrender of the accd

accordingly.

29/8/38

General and Revenue Secretariat | Cs File No. 172 of 1937. | [App. F, III—2

Serial No. 1

From

The Secretary to the Hon'ble the Resident
R Dis No 7 22 (1) /38 /Ro I Dt 24-3-1938

Forwards a Copy of letter Dt 14-3-1938 from the Secretary to the Govt of Burma and its Enclosures and Requests that arrangements may be made for the surrender of A. Srikantiah to Burma.

1) The accused Srikantiah is stated to be required for trial in Burma in Connection with an Offence punishable under Sec 409 I.P.C

2) Kind reference is invited to this Office letter Dt 13-3-1937 regarding the reciprocity in matters of extradition between Burma and Mysore.

3) It is a point for orders as to whether these papers may be forwarded to the Dist. Magistrate Bangalore Dist for taking necessary action in accordance with law.

(It is seen from the "Daily post" Dt 25-3-38

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-9-37

2

Cts File No. 172 of 193 7 | General and Revenue Secretariat

(5)

that the accused Sivkantia who was wanted by the Burma Govt on a charge of Criminal Breach of Trust under Sec 409 I.P.C was released by the Munsiff-Magistrate, CTM. Station on the ground that the Warrant of Burma Govt was not legal

Submitted for orders

Copy 28/3

4 According to the tentative arrangement that is now in force, there seems to be no objection to surrender the accused. The District Magistrate will be asked to take necessary action according to law

BSR 28-3

Chief Secy)

5 P.W.D makes a reference to Section 23 of the Myome Extradition Act. The Chief Secretary had a talk with Mr Trevelyan on the phone, and Mr Trevelyan said that as the Act is not still in force, a reference to Section 23 is not correct, and that action may be

5575

Extradition of A. Srikantiah from Mysore to Burma 3

General and Revenue Secretariat | cts. File No. 172 of 1937. | [App. F. III—2

Serial No.

taken under the reciprocal arrangement now in force.

BKR 28-3-38

(Chief Secy)

1st member

6) MK 28/3/38

BKR 29.3.38

7) JOR 29/3/38

Forwarded MK 30/3

BKR 30-3

8) Submitted with a draft

(CSR 29/3)

10) Done

BKR 30-3

2 To
The Dist. Magistrate Bangalore
P 5432 dt 31.3.38

Forwards for necessary action a copy of Burma Govt's letter dt 24.3.38 and invites the enclosures re. the surrender of A. Srikantiah to Burma and calls for a report of facts bearing in the matter.

NOTE—Contn. Sheet.

GOVT. OF MYSORE
MAR 29 1938
No 6724

WD 0284—GPB—30,000—13-9-37

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

5661/37

Pol 1628 P 37

R.Dis. No. F.22(1)-38
R.O. I

Pol & 172-37-3

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 28th March *1938.*

CHIEF SECRETARY 29 MAR 1938 GOVT. OF MYSORE.

Extradition of A. Srikantiah from Mysore to Burma.

SIR,

I am directed to refer to my letter R.Dis.No.22(1)-38/R.O.I, dated the 24th March 1938, and to request that reference therein to section 23 of the Mysore Extradition Act may be omitted if the Act has not been brought into force under section 1(iii).

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

BJ

5

General and Revenue Secretariat | File No. 172 of 1937. | [App. F. III—2

Serial No.

From
The Dist. Magistrate Bangalore Dist
I, P R 455/37-38 Dt 2-4-1938

Forwards a copy of order passed by the City Magistrate Bangalore in Cr. Mis No 97/37-38 in regard to the Surrender of A. Srikanta to Burma and solicits orders of Govt in the matter.

(13) Submitted for orders with references

CPM 25/4

(14) The D.M. and its enclosures are for perusal. The order of the City Magistrate proceeds on the mistaken impression that after Separation of Burma from Portion India, there is no extradition treaty between the Supreme Govt and the Govt of Burma. It is apparent that he was not aware of the recent reciprocal arrangement between the two Governments.

(15) Copies of the Complaint and the deposition of witnesses Sent by Burma Govt, disclose a prima facie case gainst the accused, and he is liable to be Surrendered to Burma Govt for undergoing the trial.

Fly E

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-9-37

Extradition of A. Srikantiah to Burma 5740

16

File No.	172	of 1937.	General and Revenue Secretariat

(16) The District Magistrate, Bangalore will accordingly be requested to surrender the accused.

BKR
4.4.38

(Chief Secy)

(1st member)

MS
4/4

BKR
4.4

File submitted in person to Member. He was pleased to remark that there was no definite reply from the Resident Secy to the Burma Govt had accepted the reciprocal arrangement that was suggested in our letter of 13th March 1937 and a draft to the Resident Secy may be put up in the matter.

Draft is accordingly put up for approval

BKR
5.4.38

(Chief Secy)

2) MS
5.4.38

(1st member)

6/4

BKR
6.4.

OFFICE OF THE FIRST MEMBER OF COUNCIL
APR 4 1938
6930.

5845

Extradition of A. Sivakalite to Burma

General and Revenue Secretariat | Cts. File No. 172 of 1937 | [App. F. III—2

Serial No.

To
The Secretary to the Hon'ble the Resident
pd 1128 Dy 6.4.38

Requests to be informed as to whether the Govt of Burma have agreed to surrender to this State the fugitive offenders who have fled to Burma.

From
The Secretary to the Hon'ble the Resident
R Dis No 7 28(1)-38 /RoI Dy 7-4-1938

Requests in the circumstances explained that A. Sivakalite may be surrendered to the Govt of Burma and that the general position may be further considered subsequently.

2) Submitted for orders with reference
CPOV 7/4
Dy BKR 7.4.38

Chief Secy

3) It is understood that the Extradition Act and the Fugitive Offenders Acts are not in force in the Burma &c. and hence this difficulty.
1st Member

4) May be surrendered MMS 7.4.38 BKR 7.4.38

5) Sd with 2 drafts CPOV 9/4

6) for approval BKR 9.4 (Chief Secy)

7) agd MMS 9/4 Fisheries 8/4 BKR 9.4

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-3-37

File No. of 193 . | General and Revenue Secretariat

7

To
The D-M. Bauglare
p562, d. 9. 6. 38

States that A Sikkarian may be surrendered to Burma Govt and calls for a report re. the action taken in the matter.

6

To
The Secretary to the Home the Resident
p.n. 1140 dt 9. 6. 1938

States that the D-M. Bauglare Dist has been asked under the orders to Burma

Cus A
D/6

5978 of 38

D. O. No. 752

Urgent

GOVERNMENT ADVOCATE'S CHAMBERS,
PUBLIC OFFICES,
Bangalore, 16/4/1938. 193 .

16.4

My dear Mr. Ramakrishnaiya,

I have been served with a notice to-day in Cr. Rev. Petn. No. 333/37-38 before tne High Court regarding the extradition of one A. Srikantaiya to Burma. The case is posted to the day-after to-morrow.

May I request your kindness to get me the papers, if any available in the Secretariat bearing upon this case and also on any similar point which might have arisen for dispoal on an earlier occasion.

With kind regards,

Yours sincerely,

Mudenlakshmi Nanjappa

B. K. Ramakrishnaiya, Esq., M.A., LL.B.,
Asst. Secretary to Government,
Law Department, Bangalore.

D. O. 152

ON MYSORE GOVERNMENT SERVICE.

Immediate

To

B. K. Ramakrishnaraya Esqr
B.A., LL.B.,
Asst. Secy. to Govt
Bangalore

Government Advocate.

Serial No.

31) Subd with references for orders

CPA 16/4

32) If approved, the entire file of papers will be sent to the Govt. Advocate for his information and necessary action

BKR 16.4

Chief Secy) 33) MD 16/4

Gen. Secy) BKR 16.4

Fin Member) 34) 16/4

7360 16/4

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-9-37

577.0

10

File No. of 193 .

General and Revenue Secretariat

Forwarded, with Compliments, from Govt Advocate, for favour of information and necessary action in connection with Revn Petn 333/37-38

B.H.Ramakrishnaiya
16.4.38 Dep Gen. Secy

G.O. No. P 12837 dated 26/4/38

Returned with compliments in continuation of this office letter No. 774, dated 26-4-1938.

Government Advocate.

H.

G.O. No. 137 37-38 dt 28.4.38

GENERAL SECRETARY'S 23 APR 1938 Fort St. George

6109

11 Pol.

THE OFFICE OF THE HON'BLE THE RESIDENT IN MYSORE,
Bangalore, the 21st April 1938.

R. Dis. No. F.22(1)-38 Enc I / R.O.I

To-day

CHIEF SECRETARY. 22 APR 1938 GOVT. OF MYSORE.

Law

1PM

BKR 22/4

A copy of the undermentioned paper is forwarded with compliments to the Chief Secretary to the Government of His Highness the Maharaja of Mysore for favour of furnishing the necessary information, in continuation of the correspondence ending with his letter No.Pol.1140/Cts.172-37-6, dated the 9th April 1938.

By order, etc.,

for Secretary to the Resident.

Send

The entire file has been sent to the Govt Advocate

1) A draft and fair copy of an interim reply letter

2) to the Residency is sent herewith as directed

3) for approval

BKR 22.4

From 24/4

Chief Secy

1) The chief Secy has seen the fair draft & signed it

2) DSme BKR 22/4

Telegram from the Government of Burma, Home Department, No. 621-B., dated the 19th April 1938.

Issued NO 489 of 22.4.38

Issd 26/4

NS

12

General and Revenue Secretariat | File No. 172 of 1937. | [App. F. III—2

Serial No. 8

From
The Govt Advocate
JJ 4 Dt 26. 4. 1938

Forwards a copy of judgment in Cr. R. P No 333 of 1937-38 on the file of the High Court of Mysore (A. Sitharamiah vs Govt of Mysore) and suggests certain proposals in the matter.

From
The Secretary to the Hon'ble the Resident
Dt 27. 4. 1938

Encloses what action the Govt of Mysore propose to take in the matter of extradition of A. Sitharamiah to Burma.

(39) The file which was returned by the Govt Advocate today is submitted herewith for orders.

CSW 29/4

40) The Govt Advocate's letter (P.H.D I) and the judgment of the High Court are for kind perusal.

41) I am afraid that from the suggestions of the Govt. Advocate

NOTE—Contn. Sheet.

WD 0284—GPB—30,000—13-3-37

13

do not solve the difficulties. For though the Chief Commissioner's notification of 1878 is not applicable in this case, we cannot get over the difficulty that the executive authority of the Government alone to arrest and surrender fugitive offenders to another for trial there, may not be legally recognised as sufficient for arresting and surrendering the fugitive in pursuance of the reciprocal arrangement'. The accused is sure to question the legality of the arrest if he is again arrested for purposes of surrendering him.

(2) The Extradition Act is not yet in force; even if it were in force it would not help us, as it only deals with extradition to States in India, and to British India. If the Act is to be made applicable to Burma, I think the Act has to be suitably amended.

(3) In these circumstances, it seems to me that the only course

6247

Surrender of A. Sitkauthiah to Burma

General and Revenue Secretariat | C/5 File No. 112 of 1937. | [App. F. III-2

Serial No.

A

Left at present is to legalise the arrangement for the arrest and the surrender in such cases by issue of a Notification regarding the reciprocal arrangements in the Name of His Highness, which will of course have the force of Law for the Nyasore State.

44) The letter from the Resident (P.W.D. II) is also for his perusal. An ad-interim reply may perhaps be sent that the question is under the consideration of Govt.

BNR 30.4.38

Chief Secy)

45 Yes Hm

464. I think this is the best course

I 1/8/38 18/8 2/5

BNR 35.38

47 Please do so & Submit the file at once

4/5

4/5

48 A reply has been sent. The file is re-submitted.

BNR 5/5

Hag E

(Hr Member)

OFFICE OF THE FIRST MEMBER OF COUNCIL
MAY 15 1938
No. 1445

NOTE—Contn. Sheet.

15 Surrender of Sri Kanth Jha to Burma

As File No. of 193 | General and Revenue Secretariat

Serial No.

(49) The Extradition Act which will come into force on 1st June will not apply to Burma as it applies only to British India & Indian States. Nor does art 15 of the Treaty help us. The only course is to obtain H H's Sanction to the arrangements made with Burma & issue it as a notification. The matter may be explained to the Resdt who may be requested to obtain another Warrant from Burma. In the meantime the Burma arrangements would be legalised & the warrant would be executed.

Please take up a D F N Very Early

SPR 16/5

HMP 16/5

HP 19/5

Recd 17/5

50

Sent with a draft and a D.F.N.

CSW 19/5

51 A draft from Resdt Bengal and a D.F.N are submitted for consideration.

CS 5/5/35

23/5

ASHR 20.5.35

Chief Secy

I The letter to Resdt may issue after H H's orders. SPR 23/5 The 22/5 ASHR 22.5

DEPT OF INTERIOR

Surrender of A. Sivakantiah to Burma

6247
P

General and Revenue Secretariat | C/S File No. 172 of 1937. | [App. F. III-2

Serial No.

OFFICE
SECOND MEMBER
25 MAY 1938
No. 9032

OFFICE
MAY 1938
8188

I Number

LTm
25.5

53) Secy.
25.5.38

~~LDr~~
~~26/5~~

S. N. put up.

Dewan)

LTm 26/5.

BKA
26.5

NOTE—Contn. Sheet.

(17)

Final Note by the First Member of Council.

Subject.—

EXTRADITION BETWEEN INDIAN STATES AND BURMA.

54) These papers relate to the extradition of fugitive offenders between Burma and Mysore State after the separation of Burma from British India with effect from the 1st April 1937.

N 55) The Residency intimated this Government during March 1937 that after the separation of Burma, the Government of India proposed to retain in force in Burma the provisions of Part III of the Indian Extradition Act suitably amended, which would impose on Burma the continued obligation under the conditions laid down in that Chapter to surrender to an Indian State a fugitive apprehended in Burma and to replace the existing provisions on both sides (Burma and Indian States) by an order in Council under the Fugitive Offenders Acts of 1881 and 1915.

56) In view, however, of the delay anticipated at the time in issuing the said Order in Council, it was stated that it was necessary to obtain an undertaking from all the States that from the 1st April 1937 and until other arrangements were made, any Indian State which had then a reciprocal obligation whether by Treaty or otherwise, to surrender fugitive offenders to the authorities of British India would interpret its existing obligation as covering separated Burma also.

Q. 57) In reply, the Residency was informed that the proposal to issue an order in Council might be deferred till the Federation

Federation comes into being and that the Mysore Government had no objection to surrender the fugitive offenders of Burma apprehended in Mysore to the province of Burma, provided that reciprocal arrangement was secured whereby Mysore could get extradition of fugitive offenders who escape from Mysore to Burma.

58) Recently, the District Magistrate, Bassein, issued a warrant to one Mr. Ray, a Police Head Constable of Bassein to arrest one A. Srikantiah, a subject of Mysore, for an offence of criminal breach of trust punishable under Section 409, I.P.C. and that official applied to the City Magistrate, Bangalore City, for the execution of the warrant. The City Magistrate ordered thereon that the warrant should be returned as being unexecutable in the State in view of the fact that Burma was no longer a part of British India. The Residency thereafter asked for the surrender of the accused Srikantiah to Burma. The District Magistrate, Bangalore was thereupon requested to arrange for the surrender in view of the reciprocal arrangements between this Government and Burma. In pursuance of this, the City Magistrate passed another order directing the surrender of the accused. This Order was, however, taken in revision and the High Court set aside the order and a ruling was given that the Magistrate had no jurisdiction or power to review or revised his original order.

59) The present arrangement rests mainly on executive action and has no statutory basis. The executive authority of the Government alone to arrest and surrender fugitive offenders to another Government for trial there, may not be legally recognized as sufficient for arresting and surrendering the fugitive in pursuance of the reciprocal arrangement. The fugitive offender may question the legality of his arrest. The Mysore Extradition Act of 1938 which will come into force from the 1st June 1938 will not apply to Burma as it only deals with extradition to British India and

and the Indian States. Article 15 of the Treaty does not also apply to the surrender of fugitive offenders to Burma.

60) It is, therefore, proposed to legalise the arrangement for the arrest and the surrender in such cases by issuing a Notification regarding the reciprocal arrangements with Burma with His Highness' gracious sanction which will have the force of law for the State.

61) The Dewan and the Second Member of Council agree with me and I solicit the gracious sanction of His Highness to the above proposal.

Page 16 of the notes.

MEMBER OF COUNCIL.

Bangalore,
25th May 1938.

(20

Submitted to His Highness.

---

62) I submit herewith a Final Note by the First Member of Council re: Extradition between Indian States and Burma,

for 'His Highness' gracious approval.

Mirza M. Ismail
Dewan.

Bangalore
May 26, 1938.

(2)

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Extradition between Mysore and Burma.

Chief Secy
MS
28-5-38

691

GM
28/5

63) ***Order.***

~~KRM~~
27/5/38

(23)

Extradition arrangements with Burma

General and Revenue Secretariat | Cts File No. 172 of 1937. | [App. F. III—2

Serial No. 9

To
The Secretary to the Hon'ble the Resident
Pol 1326 29/2.6.1938.

Requests in the circumstances explained that a fresh Warrant may be obtained from Burma Govt and sent to Govt for execution

(65) Resubmitted after issue with reference to para 64 of the notes.

(66) A draft of a Notification is also submitted herewith for approval or other orders. This follows the procedure prescribed in respect of British India in the Nepal Extradition Act [Section 8 (1)(2) and 12 (1) (a)]

Sold CSSR 4/6 6/

(67) A draft to the Residency is also Sold herewith
Two drafts are Sold

(68) Please get the drafts (as revised) typed
BKR 10-6

(69) Sold with 2 typed drafts
CSSR 11/6

(70) For approval
BKR 11.6

GENERAL SECRETARY. 11 JUN 1938 7414

NOTE—Contn. Sheet.

WD.0284—GPB—30,000—13-8-37

Gen. (Secy)
Chief Secy)

6267
P

(7.H)

File No. of 193 . | General and Revenue Secretariat

(71) The draft notification & letter may be approved. Under the Indian Extradition Act as in force in Burma, surrender from Burma to Mysore is governed by chapter III. Consequently as a matter of reciprocity chapter III of our Act which is very similar will apply to surrender from Mysore to Burma.

1st Member)

11/6/38

(72) 11/6

Ltr 13/6

To

(73) The Compiler, Mr. Q. 13.6 10

No. P 6990 dt. 14.6.38.

Notifies the surrender of the accused persons found within the territories of Mysore to the Govt. of Burma.

No. P 6991-7001 dt. 14.6.38.

Copy forwarded to the Dy. Comrs. Bassein, Dy. Comr. the Dist. Magistrates of districts and the Registrar, High Court of Mysore.

Surrender of A. Srikantesh to Burma
466

(27)

General and Revenue Secretariat

Cts File No. 172 of 1937 [App. F. III-2

Serial No.	
	This is the arrangement in Vogue in respect of Surrenders to British Indian provinces and Hyderabad.
	To
	Subd for orders With Reference
	CBR 20/7 2. The accused may be directed to Surrender. (See para 26 supra)
	3. The drafts are for approval
	BKR 20.7
	Chief Secretary)
	1st member) PMS 20.7.38
	BKR 20.7
	21/7
	PMS. 21.7.38
	DSme BKR 21.7.38
13	To
	The D.M. Bangalore E
	P 513 of 21.7.38
	Forwards a warrant for the Surrender of A. Srikantesh to Burma.
	Returned with a draft to the Residency
	CBR 24/7 DSme
14	Issued PA 1292 27th July BKR 38

This may be followed BKR 20/7

NOTE—Contn. Sheet.

707 of 38
1
28

IMMEDIATE.

In all future communications please quote
No. J1-123/38-39.
Enc.

Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

Dated, Bangalore, the....28.th...July.....*193*8.

FROM

Abdul Aziz Khan, Esq., B.A.,
District Magistrate,
Bangalore District.

To

B. T. Kesavaiengar, Esq., B.A.,
Chief *Secretary,*
to the Government of Mysore.
Bangalore.

Recd 28.7.38
9.15 P.M
JMS
2817

SIR,

Subject:—

Law Secy.
1, JMS
29/7
BKR
29.7

With reference to your letter No.P. 513 Cts. 172-37-73 dated 21st July 1938 forwarding a warrant for the arrest and surrender of accused A. Srikantaiya, to Burma, for answering a charge under Sec. 409 I.P.C., pending against him, I have the honour to state that the accused Srikantiah, was arrested and produced before me today.

I have directed the Sub Inspector, Central Station, Bangalore, to hand over A. Srikantiah, to the custody of the Commissioner of Police, so that he might arrange the escort of the accused to the Province of Burma.

I have the honour to be,

S i r,

Your most obedient servant,

AAKhan

gvm/-

District Magistrate,
Bangalore District.

1)
Subd

It would appear that the accused has filed a revision petition in the Hon Court against the order of the DM. The Connected file has been sent to the Govt Advocate.

Subd: for perusal.

re (This letter will be placed in the Connected file)

BKR
29/7

CBR
29/7

MBK

(29

General and Revenue Secretariat | File No. of 193 | [App. F. III–2

Serial No.

From

The Dist. Magistrate Bangalore Dist

T.- 123/38-39 Dt 29.7.1938

States that it is reported by the City Superintendent of Police Bangalore that A. Sivakantiah has been sent away by the Commissioner of Police, CTH. Station, Bangalore to Burma on 28.7.1938 under proper escort.

3) Submitted for perusal.

4) It is not clear why the accused was sent to Burma in spite of the fact that both the Supdt of police, Bangalore City and the Commissioner of police, CTH: Station Bangalore were intimated that the accused had filed a Revision petition in the High Court and a Stay order was passed by the High Court

A Cutting from the "Daily post" Dt 30.7.1938 is put up from which it is seen that the accused was surrendered by the Cantonment Police to the Burma police before the Stay order of the High Court was communicated to the Cantonment police. If this account is correct, it is a point for orders as to whether a report may be called for from the Dist. Magistrate Bangalore

NOTE—Contn. Sheet.

Surrender of A. Srikantiah to Burma.

130

Cts File No. 172 of 1937. | General and Revenue Secretariat

Serial No.

as to when the intimation re- the Stay order was Communicated to the C&M. Station Police authorities.

5 It is unofficially ascertained that the above case has been posted for hearing on 3-8-1938.

6 (The main file has been Sent to the Govt Advocate on 28-7-38).

7 The District Magistrate's letter is silent as to when the Stay order from the High Court was received by him and when the same was Communicated to the City Superintendent of Police, and the Commissioner of Police C & M station. Information on these points will be called for from the District Magistrate

BKR 2-8

Chief Secy)

CHIEF SECRETARY. 2 AUG 19 GOVT. OF MYSORE.

(Further enquiry seems unnecessary. The Stay order of the High Court would perhaps be inoperative in the C&M Sta, the High Court having no jurisdiction there. If the handing over took place before the Stay order reached the D.M. no action would have been possible for the Withdrawal of the Surrender. The proceedings in the High Court may be watched.

1st member) 3/8 MS 2/8 MS 2/8 BKR 3.8 BKR 4.8

FIC. AUG 2 1938 1079

URGENT.

S 575 237 Pol 1598 (32

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

R.Dis. No. F.22(1)/38 Enc. 11.
R.O. I

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

To Cts 172-37-1.

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 24th March *1938*.

CHIEF SECRETARY Law 24 MAR 1938 GOVT. OF MYSORE.

Extradition of A. Srikantiah from Mysore to Burma.

SIR,

I am directed to refer to your letter No. Pol.1189/Cts. 169-36-2, dated the 13th March 1937, regarding the surrender of fugitive offenders of Burma apprehended in Mysore to the province of Burma.

Flag 'A'

I am to forward a copy of letter from the Secretary to the Government of Burma, No.621 B 37(430), dated the 14th March 1938, and enclosures in original, with the request that the Government of Mysore may kindly arrange under section 23 of the Mysore Extradition Act the extradition and surrender of the accused A. Srikantiah to the Government of Burma.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

BJ

(33

Letter from the Secretary to the Government of Burma, Home Department , No.621 B 37 (430), dated the 14th March 1938.

---:O:---

Extradition of A. Srikantiah from Bangalore City, Mysore State.

I am directed to say that a warrant has been issued by the District Magistrate, Bassein, for the arrest of A. Srikantiah who is charged with an offence under section 409, Indian Penal Code and has absconded to Bangalore City, Mysore State.

2. I am accordingly to request that, if you see no objection, you will be so good as to move the authorities of the State to cause the arrest and detention in custody of the accused A. Srikantiah pending the arrival of the police escort (consisting of Police Head Constable D.N.Ray, who knows the fugitive, and one Police Constable) which will be sent from Burma as soon as intimation is received by telegram that the accused has been arrested.

3. I am to enclose for your information, together with a duplicate copy of the warrant of arrest, true certified and sealed copies in duplicate, of the following documents:-

(1) The complaint laid by the complainant, Nur Hussein, Inspector of Police, Criminal Investigation Department, Insein;

(2) Photograph of A. Srikantiah; and

(3) depositions of six witnesses.

4. I am to ask you to be so good as to arrange with the Mysore State authorities, on the arrival of the police escort, for the removal of A. Srikantiah in custody out of the State in order that the police escort may then bring him to Burma under the authority of the warrant.

---:O:---

"C O P Y"

SUPERINTENDENT, RESIDENT'S OFFICE.

BJ.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No. P 5432 CS-172-37-2
Secret 13

Dated, Bangalore, 30th March 1938
3182

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The District Magistrate,
Bangalore District,
Bangalore.

Sir,

I am directed to forward herewith for favour of immediate necessary action in accordance with law a copy of letter No.621 B. 37 (430) dated 14th March 1938 from the Secretary to Government of Burma, Home Department together with its enclosures received through the Residency in regard to the surrender of A. Srikantiah to the District Magistrate, Bassein, Burma.

I am to add that this Government have on a former occasion intimated the Residency that this Government will have no objection to surrender the fugitive offenders of Burma apprehended in Mysore to the Province of Burma provided that reciprocal arrangement is secured whereby Mysore can get extradition of fugitive offenders who have fled from Mysore into Burma. A copy of subsequent correspondence in the matter between His Excellency the Crown Representative and the Residency has already been communicated to you in this office Memo No.P.2961-70/Cts.117-37-2 dated 8th December 1937.

A report of action taken in the matter may kindly be forwarded to Government very early.

I have the honour to be,

Sir,

Your most obedient servant,

for Chief Secretary to Government.

5740 P837 (37

IMMEDIATE.

In all future communications please quote
No. Jl.P.R.455/37-38.
Enc. 15.

Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

Dated, Bangalore, the 2nd April *1938*.

Cts 172-37-3

FROM

H. V. RAMASVAMI, ESQ., M.A.,B.L.,
District Magistrate,
Bangalore District.

Rec'd 5/4

To

B. T. KESAVAIENGAR, ESQ., B.A.,
Chief *Secretary,*
to the Government of Mysore.
Bangalore.

SIR,

Subject:—

With reference to your letter No.P.5432/Cts.172-37-2 dated 30th/31st March 1938, forwarding a copy of letter No.621 B. 37(430) dated 14th March 1938, from the Secretary to Government of Burma, Home Department in the matter of the surrender of one A. Srikantiah against whom a warrant of Arrest has been issued by the District Magistrate, Bassein, Burma, I have the honour to forward herewith for favour of perusal and orders a copy of the order passed by the City Magistrate, Bangalore in Cr.Mis.No.97/37-38 before whom the legality regarding the execution of the said warrant was questioned by the accused Srikantiah. It is ascertained that on a similar issue, the Civil and Military Station Magistrate, has also held the same view - (News paper Extract enclosed).

Regarding the memo No.P.2961/70.Cts.117-37-2 dated 8th December 1937, referred to in your letter under advertence, it has to be stated that the correspondence between His Excellency the Crown Representative and the Residency, refers to the channel of correspondence in matters relating to the extradition of fugitive offenders between Indian States and Burma and not to the question at issue in the present case.

Under these circumstances I request the favour of early instructions in the matter.

The enclosures sent with your letter under reference

are

(39

IN THE COURT OF THE CITY MAGISTRATE, BANGALORE.

DATED THE 16TH DAY OF MARCH 1938.

Present.

G. SUNDARA RAO, Esquire, B.A.,
City Magistrate,
Bangalore.

Criminal Miscellaneous Case No.97/37-38.

Complainant. Accused.

Burma Police. -Vs- Srikantiah.

O R D E R

D.N. Ray, Head constable of the Bassein District, Burma, applies through 'B' Division Police Inspector, Mr.K.S.Krishna Murthy, that the enclosed warrant issued by the District Magistrate, Bassein, Burma, in Criminal Miscellaneous Case No.40 of 1937 of his Court for the apprehension of Srikantiah formerly clerk in the Indian Merchants Bank, Ltd., at Bangalore City, now resident of Bangalore, for a case involving the offence of Criminal breach of trust under Section 409 I.P.C., may be ordered to be executed with in my jurisdiction. This application was filed on 12-3-1938. The said Srikantiah also presented himself before me in Court on the same day and objected to the execution of the warrant on the ground that the Government of Burma is quite different from the Government of India since April 1937 and there is no extradition treaty between the Mysore State Government and the Government of Burma for the extradition of persons from the respective teritories. The point required elucidation. The case was taken as a Miscellaneous Proceedings and Srikantiah was bound to appear before me on Mondgy, 14-3-1938 in a bond of Rs.500/- and two sureties in a thousand rupees each. I have heard the learned counsel Mr.Krishna Rao for the accused Srikantiah and the following is my Order:-

The execution in such warrants is regulated by the rule contained in Chief Commissioner's Notification No.111, dated 23rd July 1878 which I reproduce below:

"Under the authority of His Excellency the Viceroy and the Governor General-in-Council, the Chief Commissioner

P.T.O.

(LF0

> Commissioner directs that all criminal processes of whatsoever description when issued by any Magistrate having jurisdiction in any District of British India, shall be acted upon and executed by all Magistrates and Police Officers in Mysore under the same conditions and in the same mannerx as if such proceeses had been issued by a Magistrate having jurisdiction in Mysore".

Under this Notification if a British Indian Magistrate sends a warrant of arrest to a Mysore Magistrate, the latter has to arrange for its execution and that is to have him arrested by the Local Police under Section 54 Cl. seventhly of the Criminal Procedure Code. This clause reads as follows:-

> "Any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists, of his having been concerned, in, any act committed at any place out of Mysore, which, if committed in Mysore, would have been punishable as an offence, and for which he is, under any law relating to extradition or otherwise, liable to be apprehended or detained in custody in Mysore".

Mr. Krishna Murthy has not been able to show me any law of extradition under which the accused Srikantiah is liable to be apprehended or detained in custody. There is no doubt that that Government of Burma has been completely separated from the Government of India after the grant of reforms in April 1937. The warrant by the District Magistrate Bassein, cannot therefore be treated on a par with a warrant of a British Indian Magistrate. The Chief Commissioner's Notification No.111, dated 23rd July 1878 quoted above does not seem therefore to apply to warrants of this kind. I regret therefore that I am not able to arrange for its execution in the manner applied for. In view, however, of the important issues involved in the case, I order that the accused Srikantiah may be bound-over in Rs.500/- with two sureties in Rs.1000/- to appear before this Court whenever called upon within a period of one year, if, in that period, it is found necessary to execute the warrant. The warrant will be returned to the Head Constable D.N.Ray of Burma, keeping xx a copy of the same in the file. A report shall be made to the District

(41)

District Magistrate, Bangalore District, for such action as he deems fit.

Dictated to the Stenographer and pronounced in open Court.

Sd. G. Sundara Rao,
City Magistrate,
Bangalore.
16-3-1938.

" C O P Y "

Sd. G. Sundara Rao,
City Magistrate,
Bangalore.

" C O P Y "

R. L. Somaya
Superintendent of Police,
Bangalore City.

JA.

"Tai Naik" 31st March 38.

ಮೈಸೂರಿನವರೊಬ್ಬರ ಮೇಲೆ ಬರ್ಮಾ ಸರ್ಕಾರದ ಆರೋಪಣೆ

ಬೆಂಗಳೂರು ಮಾ ೩೧

ಬರ್ಮಾದಲ್ಲಿ ಸುಮಾರು ೨೦೦೦ ರೂ. ಗಳ ಸಂಬಂಧವಾಗಿ ಮೋಸಮಾಡಿದರೆಂಬ ಆಪಾದನೆಯ ಮೇಲೆ ಮೈಸೂರಿನವರಾದ ಶ್ರೀ ಶ್ರೀಕಂಠಯ್ಯ ಎಂಬುವರ ಮೇಲೆ ಬರ್ಮಾ ಸರ್ಕಾರದಿಂದ ಒಂದು ಎಕ್ಸ್‌ಟ್ರಾಡಿಷ್ ವಾರಂಟು ಹೊರಟಿದೆ. ಶ್ರೀ ಶ್ರೀಕಂಠಯ್ಯನವರು ಬೆಂಗಳೂರು ಸಿಟಿಯಲ್ಲಿದ್ದಾಗ ಅವರ ಮೇಲೆ ಹಿಂದೊಂದು ಸಲ ವಾರಂಟು ಬಂದಿದ್ದು, ಆಗ ಸಿಟಿ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಅವರಿಂದ ಮುಚ್ಚಳಿಕೆ ಬರೆಸಿಕೊಂಡು ಬಿಟ್ಟಿದ್ದರು. ಕೆಲವು ದಿನಗಳ ಹಿಂದೆ ಬೆಂಗಳೂರು ದಂಡಿನಲ್ಲಿ ಶ್ರೀ ಶ್ರೀಕಂಠಯ್ಯನವರು ಪುನಃ ಪೋಲೀಸರಿಂದ ಹಿಡಿಯಲ್ಪಟ್ಟು, ಎಕ್ಸ್‌ಟ್ರಾಡಿಷನ್ ವಾರಂಟನ್ನು ಜಾರಿ ಮಾಡಿದರು. ಆದರೆ, ಆಫೀಯ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರು ಬರ್ಮಾದೇಶವು ಇಂಡಿಯಾದಿಂದ ಈಗ ೧೯೩೫ ನೇ ಆಕ್ಟಿನ ಪ್ರಕಾರ ಪ್ರತ್ಯೇಕವಾಗಿರುವುದರಿಂದ ಅವರನ್ನು ಒಪ್ಪಿಸಲು ನಿರಾಕರಿಸಿದರು.

ಈಗ ಬರ್ಮಾ ಸರ್ಕಾರದವರು ಮೈಸೂರ್ ಸರ್ಕಾರಕ್ಕೆ ಶ್ರೀ ಶ್ರೀಕಂಠಯ್ಯನವರನ್ನು ಒಪ್ಪಿಸಬೇಕೆಂದು ಕೇಳಿದ್ದಾರೆಂದೂ ಸರ್ಕಾರದವರು ಈ ಬಗ್ಗೆ ಪರಿಶೀಲಿಸುತ್ತಿರುವರೆಂದೂ ಗೊತ್ತಾಗಿದೆ.

"Hindu" 24th March 38.

42

WARRANT FROM BURMA

ORDER IN BANGALORE CASE

(FROM OUR CORRESPONDENT.)

BANGALORE (Cantt.), March 23.

Mr. B. Ananda Baliga, Munsif-Magistrate, Bangalore Cantonment, pronounced orders to-day in a case in which the question whether a warrant issued by a Magistrate in Burma for the arrest of a person in British India could be executed in India now that the two countries had been separated without extradition proceedings was raised.

T. Srikantiah who was produced in court yesterday was wanted by the police at Bassein (Burma) to answer a charge of cheating and a warrant for his arrest was issued by the Magistrate of Bassein. On behalf of Srikantiah, it was contended that that warrant could no be executed against the accused because the relations between Burma and India had changed since the separation of Burma and the warrant issued under the previous regime was void.

His Honour, pronouncing orders, today directed the release of the accused on the ground that the warrant could not be executed in India now.

Urgent.

(43

Pol 1126

6th April 1938.

H. Trevelyan, Esq., I.C.S.

Subject:- Extradition between Indian States and Burma after separation.

I am directed to refer to my letter No. Pol. 1189/Cts.169-36- dated 13th March 1937 and to state that regarding the reciprocal arrangement suggested by this Government in para 2 of the letter, the enclosure to your letter No. F.415-37/R.O.I dated 11th September 1937 is not clear if the Government of Burma is agreeable to the proposed reciprocal arrangement, and to request you to intimate if there is no objection, if the Government of Burma have agreed to surrender to this State the fugitive offenders who have fled to Burma. The matter may kindly be treated as urgent as the question of extraditing A. Srikantiah referred to in your letter No.R.Dis.No.22(1)-38/R.O.I dated the 24th March 1938 has to be decided on the receipt of the information.

I have the honour to be,

Sir,

Your most obedient servant,

MS

Chief Secretary to Government.

(44

Appendix F G—1]

SUBJECT .....

.....

.....

Section C5

File No. 172-37

Serial No. 4

Diary No. of letter replied to.....

No. Pol 1126

To

The Secretary to the

Hon'ble the Resident.

Subject :— Extradition between

Indian States and Burma after

Separation

Sir,

I am directed to refer

to my letter No. Pol 1189 C5 169-36-2

dated 13th March 1937 and to

state that regarding the reciprocal

arrangement suggested by this Govt

in para 2 of the letter, the

enclosure to your letter No. F. 415-

37 / R.O.I dated 11th September 37

does not already is not clear if

the Govt of Burma is agreeable

to the proposed reciprocal arrangement,

General and Revenue Secretariat

( )

the *193* ..

Date of issue 6-4-38

Signed by Mr. B.T.K.

List of enclosures.....

Copied by .....

Examined by.....

(45

and to request you, to ascertain in intimate
if there is no objection, if the
Govt of Burma have agreed
to Surrender to this State the
fugitive offenders who have fled
to Burma.

I have etc.

5/4
Chief Secy to Govt

The matter may kindly
be treated as urgent
as the question of
Extraditing the
refd to in y^r letter
No 91 has to be
decided on the
receipt of the info^n

BMR
5.4.38

V/12

Immediate.

5845 P (46

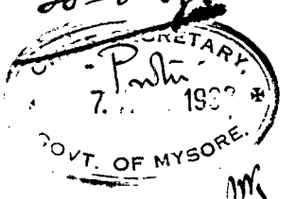
Cts 172-37-5

R. Dis. No.F. 22(1)-38
R.O.I

From

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

Recd at 5-20 P.M.
X Y Y
To-day



To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Bangalore, the 7th April 1938.

7.4.38

Sir,

I am directed to refer to your letter No.Pol. 1126/Cts. 172-37, dated the 6th April 1938.

Flag L

I am to refer to letter from this Residency No.F.415/37/R.O.I, dated the 2nd March 1937. The provisions of Part III of the Indian Extradition Act have been retained in force in Burma and impose on Burma the continued obligation under the conditions laid down in that Chapter to surrender to an Indian State a fugitive apprehended in Burma. Presumably therefore the Burma Government will be bound to extradite an offender to Mysore on a warrant from this Residency. If there is any doubt at all about the position, I am to request that Mr. A. Srikantiah may now be surrendered to the Government of Burma and that the general position may be further considered subsequently.

Flag M

I have the honour to be,
Sir,
Your most obedient servant,

for SECRETARY TO THE RESIDENT.

ASB

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 9th April 1938.

No. Pol. 1140.

From

B. T. Kesavaiengar, Esq., B.A.,
Chief *Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Sir,

Subject:- Extradition of A.Srikantiah to Burma.

I am directed to acknowledge the receipt of your letter No. R.Dis.F.22(1)-38/R.C.I, dated 7th April 1938 on the above subject and to state that the District Magistrate, Bangalore District has been requested to arrange for the surrender of the accused A. Srikantiah to Burma.

I have the honor to be,
Sir,
Your most obedient servant

Chief Secretary to Government

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

To 2 drafts Pol. 1140/38

Cts 172-37-6

DR 9-4-38

The Secretary to the Hon'ble the Resident

Subject :- Extradition of A. Sivakantiah to Burma.

Sir,

I am directed to acknowledge the receipt of your letter No R dis No F 22(1)-38/Ro I of 7.4.1938 on the above subject and to state that ~~the Dist~~ Magistrate Bangalore Dist has been requested to arrange for the surrender of the accused A. Sivakantiah to Burma.

I have etc

MRS 9/4

BAR 9.4

Chief Secretary to Govt

WD 03603—GPB—15,000—8-7-35

(49

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 9th April *1938*

No. P.5627 Cts 172-37-7

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The District Magistrate,
Bangalore District.

Sir,

Subject:- Extradition of A. Srikantiah to Burma.

With reference to the correspondence ending with your letter No. J.1.P.R. 455/37-38, dated 2nd April 1938 on the above subject, I am directed to state that as already intimated in my letter No. P. 5432/Cts. 172-37-2, dated 31st March 1938, this Government have entered into reciprocal arrangements with the Government of Burma in matters of extradition of fugitive offenders from Mysore to Burma and vice versa and the provision of chapter III of the Indian Extradition Act have been retained in force in Burma.

2. In the above circumstances, I am to request that immediate arrangements may kindly be made to surrender the accused A. Srikantiah to the Burma Government.

3. Government will be glad to be favoured with a report as to the action taken in the matter.

4. The enclosures received with your letter under reference are herewith returned.

I have the honor to be,
Sir,
Your most obedient servant,

Chief Secretary to Government.

(52

Telegram from the Government of Burma, Home Department, No. 621-B., dated the 19th April 1938.

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Please refer my letter 621-B/37(430) dated fourteenth March regarding arrest and extradition of Srikantiah. Please telegraph whether warrant has been executed and Srikantiah made over to escort from Burma.

---:0:---

"C o p y"

Superintendent, Resident's Office.

NS

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA

General and Revenue Secretariat

Dated, Bangalore, 22nd April 1938.

No. Rol 1189

From

H. V. Ramaswami, Esq., M.A., B.L.,
Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The Secretary to the Hon'ble the Resident in Mysore

Sir,

Subject:- Extradition of A. Srikantiah to Burma.

With reference to your endorsement No.R.Dis.F. 22(1)-38/R.O.I, dated 21st April 1938 on the above subject, I am directed to state that the accused Srikantiah has filed an appeal in the High Court of Mysore against the order of the City Magistrate, Bangalore, directing for his surrender and a further reference will be made to you after the above case is disposed of by the High Court.

I have the honor to be,
Sir,
Your most obedient servant,

Chief Secretary to Government.

6183 P

In reply please refer to
No. 774

OFFICE OF THE GOVERNMENT ADVOCATE
IN MYSORE,
Bangalore, 26-4-1938

Cls 172-37-8

FROM

Mirle N. Lakshminaranappa, Esq., B.A., LL.B.,
~~A. R. NAGESVARA IYER, ESQ., B.A., B.L.,~~
GOVERNMENT ADVOCATE IN MYSORE,
BANGALORE.

To

The General Secretary to the Govt.
of H. H. the Maharaja of Mysore,
Bangalore.

GENERAL SECRETARY
27 APR. 1938

SIR,

I have the honor to state that Criminal Revision Petition No. 333 of 1937-38 on the file of the High Court of Mysore (A. Srikantiah versus The Government of Mysore) was heard on 25-4-1938 and allowed setting aside the order of the learned City Magistrate, Bangalore, in Cr. Mis. Case No. 97/37-38 passed on 14-4-1938, that is to say, the direction contained in the City Magistrate's Order to surrender the accused Srikantiah was cancelled.

2. The learned City Magistrate passed an order on the 16th March 1938 refusing to hand over the said Srikantaiya to the Burma Police. That order should have terminated the case finally so far as he ~~as the learned Magistrate~~ was concerned. But in continuation of the order sheet of the same case, he issued process against the said Srikantiah and passed a second order on 14-4-1938 which was virtually a review of the former one. This change in the direction was the result of a communication from the learned District Magistrate to him bearing No. Jl. P.R.455/37-38 dated 9-4-1938, forwarding a copy of a letter from the Chief Secretary to Government.

3. It is certainly beyond dispute that no review is allowed in Criminal cases at least so far as the Courts other than the High Court are concerned. Though the objection was not taken by the Petitioner before the High Court, the Court as is observed in the Judgment, suo motu raised the question of jurisdiction of the learned Magistrate to pass the second order. The second order was passed

in

in the same case and in continuation of the same proceedings which in effect had been terminated by the first order refusing to direct the accused to surrender; it was - therefore, beyond the jurisdiction of the learned Magis- trate to have passed that second order. Accordingly, it was set aside by the High Court.

4. I contended before the High Court that since the records had been called for, even though there was no formal petition on behalf of the Burma Police who wanted - this Srikantiaya in connection with a case there, it was certainly open to the High Court to interfere suo motu, - (in the same way as the objection regarding jurisdiction was raised) in the interests of justice and to pass such order which in its opinion the learned Magistrate should have passed in the circumstances of the case. That is to say, if the High Court thought that the extradition should be made because of the reciprocal arrangements between our Government and the Government of Burma, then even though the second order which put into effect the implications of those reciprocal arrangements was technically unsustainable by its having been a review of the first order, yet the effect of that order could have been maintained by the High Court - itself adopting it as its own, since it was cognisant of the entire matter in its revisional jurisdiction and that section 439 of the Code of Criminal Procedure did, in terms, confer such powers on the High Court. But this contention of mine was over-ruled The result is Extradition proceedings have to stop at least for the present.

5. I believe two alternatives are possible to achieve the object in view; one is a Revision Petition to be filed against the first order. In the records of the case, there is

(54

is a copy of a letter from the Chief Secretary, quoted above which directs the learned District Magistrate to take action according to law in enforcement of the reciprocal arrangements. In other words, the letter is more a direction to the Magistrate concerned to take action rather than a statement of the reciprocal arrangements. The copy of the letter does not even show who signed ~~that~~ The original letter. Though of course it can be easily presumed that it must have been signed by one of the Secretaries to Government, the formal requirements of law will not be satisfied, unless there is the original letter signed by the Secretary, containing a statement to the effect that the reciprocal arrangements between the respective Governments were made on a particular date. If a Revision Petition is to be filed against the first order, an application supported by an affidavit for producing such statements signed by a Secretary to gether with that statement, will all have to be filed in the High Court on its Revisional side and the admission of such evidence is entirely within the discretion of the Court, as it is not the normal procedure to allow such evidence at that stage. These are some of the difficulties in pursuing the first of these two alternatives.

6. The second is for the Magistrate concerned in Burma to issue a fresh warrant. If there should be no difficulty in such a case, then another defect which is noticeable in the case may also be rectified. I am under the impression that these warrants have to be passed on to the authorities in our State through the Polical Agent i.e., the Hon'ble the British Resident. If I am right there, I think the warrant was not issued in that channel, but a -

Police

(54)

Police Official from Burma seems to have applied to the learned City Magistrate direct for the surrender. Objection was not taken during the course of the proceedings by the accused with reference to the way the warrant found its place in Court. We can avoid the possibility of any such objection being taken hereafter if a fresh warrant is got through the proper channel.

7. In these circumstances, the second of the two alternatives which rectifies this defect regarding the mode of transmission of the warrant and also avoids the procedure (which is not quite normal) of asking the Court of Revision to admit additional documents, seems to be the better of the two.

8. Even if the Extradition Act should come into force the difficulty of putting into effect the reciprocal arrangements regarding Extradition to Burma, I apprehend, cannot be overcome. Extradition into a State in India or British India is provided for in the Act but not to Burma which is now outside India. The learned Judge was pleased to endorse the view that an amendment of the Act providing Extradition for areas outside India also may be necessary. That is also a matter for the kind consideration of the Government.

9. A copy of the Judgment of the High Court is herewith enclosed.

I have the honor to be,
Sir,
Your most obedient servant,

Mirle Manickam Navaratnappa

Government Advocate.

H.

Enclosure to
No 2939 Dy 26.4.38
EB

(58

1900

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Monday, the 25th day of April 1938.

BEFORE

HR. JUSTICE C. ABDUL GHANI.

CRIMINAL REVISION PETITION NO.333/37-38.

A. Srikantaiya .. Accused .. PETITIONER

(By Mr.S.V. Subrahmanyam)

v.

Government of Mysore..Complainant..OPPONENT.

(By Mr.Mirle N.Lakshminarenappa,
Government Advocate)

RECORDS RETURNED.

Criminal Revision Petition against the order dated 14th April 1938 of the City Magistrate at Bangalore in Criminal Miscellaneous Case No. 97 of 1937-38, directing the surrender of the petitioner to the Burma Police

This petition coming on for hearing this day, and after hearing the arguments of the aforesaid Advocates, the Court made the following :-

ORDER.

(59

ORDER.

After going through the records of the case, I found an initial obstacle in the way of the learned Government Advocate opposing this petition. Though the Petitioner had not raised the point, I had to ask the Government Advocate whether the learned City Magistrate had jurisdiction to pass the order in revision. When he first received the warrant from Burmah for execution, the Petitioner raised objections, which led to an enquiry and a considered order by the learned Magistrate, in which the effect of the Chief Commissioner's notification of 1878, and the recent Government of India Act asregards Burmah being no longer a part of British India are considered. The learned Magistrate did not have to refer to or to rely on the Full Bench decision of this Court in 39 Mysore High Court Reports (485) in coming to the conclusion that the warrant before him could not be executed. He made a definite and considered order, giving reasons, that the warrant be returned as it could not be executed. This was on 16-3-38. On 14-4-38, however he made another order revising his previous one and directing that the Petitioner be surrendered to the Burmah Police in execution of the warrant issued from the District Magistrate of Bassein. After having once passed an order in -- a final and a judicial one the learned Magistrate had no jurisdiction or power to review or revise

(60

his original order. The Code of Criminal Procedure or any other law in force in Mysore, does not give a criminal Court, not even a High Court, power to review an order once passed by itself. If the original order was wrong, the proper course was to take it up in appeal or revision.

The learned Government Advocate argued that possibly -- he is not sure of it -- the two orders may relate to different proceedings though relating to the same matter, and that after the first warrant was returned, a fresh warrant may have been issued and a fresh application made for its execution on the ground of reciprocal arrangements between Mysore and Burmah in this respect. The records of the case, however, do not support any such plea. Both the orders are passed in the same case Criminal Miscellaneous Case No. 97 of 1937-38, and the order sheet discloses that after the first and original order declining to execute the warrant was passed, a communication was received from the District Magistrate, pointing out the existence of reciprocal arrangements between the two Governments. The learned Magistrate thereupon re-opened the case, and made the second order now in revision. The same order sheet contains these later proceedings, and the second order refers to the first one and gives reasons for revising it. The records contain only one warrant issued by the

District Magistrate of Bassein. It cannot therefore be urged that proceedings leading to the two orders were different or that the second order is an independent one and not a review of the former order. The order now in revision is thus one which the learned Magistrate had no power a or jurisdiction to make. It has to be set aside.

The learned Government Advocate then urged that the original order itself may be revised, as Sections 435 to 439 of the Code of Criminal Procedure, give this Court ample powers to rectify mistakes of lower Courts, when the matter is brought to it's notice in any manner -- even in a revision petition preferred by the opposite side in respect of another order. It will be somewhat curious if a person who comes up in revision and succeeds in his attempt in respect of an order, should find his success of no use and an adverse order passed against him on the ground that the records disclose that a previous order in favour of the party was wrong -- particularly if no one had challenged it. Assuming that the powers of this Court are large enough to tackle matters not actually brought before it -- there are other difficulties in this case. We are not sure when exactly the reciprocal arrangements between the two Governments were entered into; and at one stage the learned Government Advocate was of opinion that the arrangements were

after the first order in the case. If so, the first order when it was made, would be correct and there would be nothing in it to revise. If the arrangements had been in existence prior to that first order, evidence should have been let in of it in the Magistrate's Court. Even at the stage of the later order, there was no move to admit additional evidence, nor was any such evidence, strictly so called, let in. The learned Magistrate acted on a letter of the District Magistrate supposed to contain a copy of the letter of the Chief Secretary to the District Magistrate on that point. That copy does not purport to be signed by anybody. So, there is no satisfactory material on record to interfere with the first order, even if this Court were inclined to exercise its powers under Sections 435 to 439 of the Code of Criminal Procedure, to the prejudice of the Petitioner in respect of the first order, when he comes up to get the second order revised.

Of course, reciprocal arrangements, if they have been entered into, must be respected and should be carried out strictly without demur or delay. The learned Government Advocate if he thinks fit, may apply for revision of the first order and tender evidence of the reciprocal arrangement. The New Extradition Act, though passed, does not appear to be yet in force and may perhaps

require an amendment to include reciprocal arrangements with Burmah. Those are matters which we need not speculate at present. The second order of the Magistrate -- the one that is for revision -- cannot be upheld. It is set aside and the bonds executed by the petitioners and his sureties are cancelled.

Sd/- C. Abdul Ghani,

JUDGE.

"C O P Y"

REGISTRAR

6247
P

D.O.No.

THE RESIDENCY,
BANGALORE.

(Camp) Mercara,
27th April 1938.

Dear Mr Ramaswami.

The Resident has seen in the newspaper today the account of the revision petition brought in the Mysore High Court by Mr. A. Srikantiah in which the High Court have reversed the Magistrate's order for his extradition. The Resident would be grateful if the Mysore Government would kindly inform him what action they propose to take.

Yours Sincerely,
A Rambrau.

H.V. Ramasvami, Esq., M.A., B.L.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

ASB/27.4

165

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 3rd May *193*8.

No. Rol 1225

From

The Chief *Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Secretary to the Hon'ble the Resident in Mysore, Bangalore.

Sir,

Subject:- Extradition of A. Srikantiah to Burma.

With reference to your D.O. letter Camp Mercara, dated 27th April 1938 on the above subject, I am directed to state that the matter is under the consideration of Government and a further communication will be made to you in due course.

I have the honour to be,

Sir,

Your most obedient servant,

for Chief Secretary to Government.

6738/37 P 66

In all future communications please quote
No. J.1.1233/37-38
Enc.

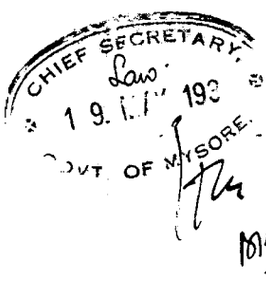
Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

Dated Bangalore, the 18th May 1938.

FROM

A. A. Khan, Esq., B.A.,
District Magistrate,
Bangalore District.



To

H. V. Ramasvami, Esq., M.A., B.L.,
Chief Secretary
to the Government of Mysore,
Bangalore.

SIR,

Subject:—

With reference to correspondence ending with your letter No.P:5627 Cts.172-37-7 dated 9th April 1938, directing the surrender of A. Srikantiah to Burma, I have the honour to state that the City Magistrate who was requested to execute the warrant and arrange for the surrender of the accused, A.Srikantiah, reports that the accused questioned the legality of the warrant issued for his arrest and went up to the High Court in Revision and that the High Court of Mysore in Crl.Rev. Petn.No.333/37-38 dated 25-4-38 set aside the order of the City Magistrate, Bangalore, directing the surrender of the accused, that the Judge of the High Court who disposed of the Revision Petition has, inter-alia, observed that the new Extradition Act, though passed was not in force and possibly required an ammendment to include reciprocal arrangement with Burma.

I have the honour to be,
Sir,
Your most obedient servant,

A A Khan

District Magistrate,
Bangalore District.

S.V.

(67)

Pol. 1326/ Cfs 172-373.

To 2-6-38.

The Secretary to the
Hon'ble the Resident.

Subject:- Extradition of A. Srikantiah
to Burma.

Sir,

In continuation of this office letter No. Pol.1225 dated 3rd May 1938 on the above subject I am directed to explain the position in regard to the several points involved in the question

The District Magistrate, Bassein instead of forwarding the warrant for the arrest of the accused Srikantiah through the proper channel Viz. the Mysore Residency, issued it to one Mr. Ray, Head Constable, of the Bassein District, to arrest the accused Srikantiah who was residing at Bangalore City. That official applied to the City Magistrate, Bangalore for execution of the said warrant. The City Magistrate ordered thereupon that the warrant should be returned as being unexecutable in this State in view of the fact that Burma was no longer a part of British India. Subsequently on receipt of your letter dated 24th March 1938 asking for the surrender of the accused to the Burma Government, the District Magistrate was requested to arrange for the said surrender in view of the reciprocal arrangements. In pursuance of this, the City Magistrate, Bangalore passed another Order ~~revising his previous Order~~ and directing the surrender of Srikantia to

Burma.

This order was taken in revision and the High Court set aside the order of the City Magistrate directing the surrender and ordered that the Magistrate had no jurisdiction or power to review or revise his original Order.

These difficulties would probably not have arisen if the District Magistrate had Bassein/in the first instance forwarded the warrant to this Government through the Residency.

It may however be pointed out that the arrangement entered into by this Govt. to surrender the fugitive offenders of Burma to that Govt, on reciprocal basis rests mainly on executive action and has no statutory basis. The executive authority of the Government alone to arrest and surrender fugitive offenders to another Govt. for trial there, may not be legally recognised as sufficient for arresting and surrendering the fugitive in pursuance of the reciprocal arrangement. The fugitive may always be expected to question the legality of his arrest. The Mysore Extradition Act which will come into ~~froce~~ force from 1st June 1938 will not apply to Burma as the provisions of the said Act apply only to British India and the Indian States. Article 15 of the Mysore Treaty does not also apply to such cases.

The only way to avoid the difficulties that may arise in giving effect to the undertaking given by this Govt.

69

to surrender the fugitive offenders to Burma, seems to be to obtain H.H's sanction to the arrangements made with Burma and issue it as a notification. Steps are being taken in this behalf.

In the meantime I am to request that a fresh warrant may kindly be obtained by the Burma Government and forwarded to this Government for execution.

I have etc.,

Chief Secretary to Govt.

BMR 20.5

IPM

(70

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 2nd June 193 8.

No. Pol. 1326

From

H.V. Ramasvami, Esq., M.A., B.L.,
Chief *Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Secretary to the Hon'ble the Resident in Mysore, Bangalore.

Sir,

Subject:- Extradition of A. Srikantiah to Burma.

In continuation of this office letter No. Pol. 1225 dated 3rd May 1938 on the above subject, I am directed to explain the position in regard to the several points involved in the question.

The District Magistrate, Bassein instead of forwarding the warrant for the arrest of the accused Srikantiah through the proper channel viz., the Mysore Residency, issued it to one Mr. Ray, a Head Constable of the Bassein District to arrest the accused Srikantiah who was residing at Bangalore City. That official applied to the City Magistrate, Bangalore for execution of the said warrant. The City Magistrate ordered thereupon that the warrant should be returned as being unexecutable in this State in view of the fact that Burma was no longer a part of British India. Subsequently on receipt of your letter dated 24th March 1938 asking for the surrender of the accused to the Burma Government, the District Magistrate was requested to arrange for the said surrender in view of the reciprocal arrangements. In pursuance of this, the City Magistrate, Bangalore, passed another Order directing the surrender of Srikantiah to Burma.

This order was taken in revision and the High Court set aside the order of the City Magistrate directing the surrender and ordered that the Magistrate had no jurisdiction or power to review or revise his original order.

These difficulties would probably not have arisen if the

(71

District Magistrate, Bassein had in the first instance, forwarded the warrant to this Government through the Residency.

It may, however, be pointed out that the arrangement entered into by this Government to surrender the fugitive offenders of Burma to that Government on reciprocal basis rests mainly on executive action and has no statutory basis. The executive authority of the Government alone to arrest and surrender fugitive offenders to another Government for trial there, may not be legally recognised as -- sufficient for arresting and surrendering the fugitive in pursuance of the reciprocal arrangement. The fugitive may always be expected to question the legality of his arrest. The Mysore Extradition Act which will ~~come~~ has into force from 1st June 1938 will not apply to Burma as the provisions of the said Act only apply to British India and the Indian States. Article 15 of the Mysore Treaty does not also apply to such cases.

The only way to avoid the difficulties that may arise in giving effect to the undertaking given by this Government to surrender the fugitive offenders to Burma, seems to be to obtain His Highness' sanction to the arrangements made with Burma and issue it as a notification. Steps are being taken in this behalf.

In the meanwhile, I am to request that a fresh warrant may kindly be obtained by the Burma Government and forwarded to this Government for execution.

I have the honor to be,
Sir,
Your most obedient servant,

BKR

for Chief Secretary to Government.

RS

TRM.2

No. P6990.
Ce-172-37 & 14.6.38 (72)

NOTIFICATION.

The Government of His Highness the Maharaja ~~is~~ are pleased to direct that, on a requisition made by or on behalf of the Government of Burma, any person who, being accused or convicted of having any of the crimes mentioned in the schedule to the Mysore Extradition Act VI of 1938, committed within the territories of Burma, shall be found within the territories of Mysore, be surrendered to the said Government of Burma.

The extradition of fugitive criminals from Mysore to Burma will be governed by Chapter III of the Mysore Extradition Act VI of 1938, as in the case of surrender of fugitive criminals in case of British India.

By Order,

Chief Secretary to Govt.

To

The Compiler, Mysore Gazette, for publication.

Copy to:-

(1) The Inspector General of Prisons in Mysore.
(2) The Inspector General of Police in Mysore
(3) The District Magistrates of Districts.
(4) The Registrar, High Court of Mysore.

No. P6991-7001
& 14.6.38

(74

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat
Camp: Mysore,
~~Bangalore~~, Dated, 13th June 1938.
14

No. R&I 1475 Ecl 1

Cts 172-37-10

From

H. V. Ramasvami Esq., M.A., B.L.,
Chief Secretary to the Government of His Highness
the Maharaja of Mysore.

To

The Secretary to the Hon'ble the Resident in Mysore,
Bangalore.

Subject:- Extradition arrangements with Burma.

Sir,

In continuation of this office letter No.Pol.1326/Cts.172-37-9 dated 2nd June 1938 on the above subject, I am directed to forward herewith for communication to the Government of Burma a copy of a Notification No. P6990 / Cs-172-37 dated 14.6.38. in respect of the extradition of fugitive criminals from Mysore to Burma and to state that the Government of Mysore note that the Government of Burma will be able to surrender fugitive criminals in Burma to Mysore under the provisions of Part III of the Indian Extradition Act as in force in Burma.

I have the honour to be,

Sir,

Your most obedient servant,

P.K.Ramakrishnaiya

for Chief Secretary to Government.

S.

No.Pol.1326/Cts.172-37-9 dated 14.6.38. 75

Pol 1475/Secret. 13-6-38 To

The Secretary
to the Hon'ble the Resident
in Mysore.

Sir,

Subject:- Extradition arrangements with Burma.

In continuation of this office letter No.Pol.1326/Cts.172-37-9 dated 2nd June 1938 on the above subject, I am directed to forward herewith for communication to the Government of Burma a copy of a Notification No.P6990 dated 14.6.38. in respect of the extradition of fugitive criminals from Mysore to Burma and to state that the Government of Mysore note that the Government of Burma will be able to surrender fugitive criminals in Burma to Mysore under the provisions of Part III of the Indian Extradition Act as in force in Burma.

I have etc.,

BMR 11.6 Chief Secretary to Government.

cm 6/11/6/38

466 P 38 Pol 134

The reply to this communication should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

R. Dis. No. F. 22(1)-38 Enc 2 176
R.O. I

FROM

THE SECRETARY TO THE HON'BLE THE RESIDENT IN MYSORE.

Cts 172-37-12

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, the 18th July *193* 8

Extradition of A. Srikantiah to Burma.

SIR,

Fly M

I am directed to refer to your letter No.Pol.1326/Cts.172-37-9, dated the 2nd June 1938, and to forward for favour of necessary action, a copy of letter from the Government of Burma, Home Department, No.484 B 38 (430), dated the 7th July 1938 with a fresh warrant issued by the District Magistrate, Bassein.

Law
CPM
18/7
DR
19.7

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

Urs

KK

77

Letter from the Government of Burma, Home Department, No.484 B 38 (430), dated the 7th July 1938.

Extradition of A.Srikantiah from Bangalore, Mysore State.

With reference to your letter R.Dis.No.F.22(1)-38/R.O.1, dated the 6th June 1938, I am directed to forward herewith a fresh warrant issued by the District Magistrate, Bassein, for the arrest of the fugitive, A.Srikantiah. The Police escort will consist of Head Constable D.N.Ray, to whom the warrant is addressed, and who knows the accused, and one police constable.

2. I am to ask you to be so good as to arrange, if you see no objection, with the Mysore State authorities, on the arrival of the police escort, for the removal of A.Srikantiah in custody out of the State, in order that the police escort may then bring him back to Burma under the authority of the warrant.

" C O P Y "

Superintendent, Resident's Office.

KK

78' (51

Criminal 38.

WARRANT OF ARREST OF ACCUSED.
(Section 75 of the Code of Criminal Procedure, 1898.)

In the Court of the DISTRICT Magistrate of BASSEIN, BURMA.

Criminal Misc. Case No. 40 of 1937

(1) Name and designation of the person or persons who is or are to execute the warrant.

To (1) D.N.Ray, Head Constable

WHEREAS A. Srikantiah, formerly a clerk in the Indian Merchants Bank Limited at Bangalore City, resident of Bangalore City stands charged with the offence of criminal ~~son of~~ breach of trust Viz:- He being a Manager in the employ-ment of the Indian Merchants Bank Limited, Bassein Branch ~~resident of~~ Burma and in such capacity entrusted with dominion over the Bank's business committed on the 2nd, 30th and 31st March 1936, criminal breach of trust with respect to Rs.100/-, Rs.650/- and Rs.100/- respectively (an offence punishable under section 409, Indian Penal Code) you are hereby directed to arrest the said Srikantiah and produce him before me on or before the 5th August 1938.

(2) State the offence.

~~you are hereby directed to arrest the said~~

~~and produce him before me.~~

Herein fail not

Dated this 4th *day of* July *1938.*

District Magistrate, Bassein, Burma and empowered to take cognizance of offences and t issue warrants of arrest in the Bassein District.

DISTRICT MAGISTRATE BASSEIN

If the said shall give bail himself in the sum of with suret to attend before me on the day of and to continue so to attend until otherwise directed by me, he may be released.

Dated this day of 19

Magistrate.

လူကိုဘမ်းဆီးရန် ဝါရမ်း။

(၁၀၉၇ခုနှစ်။ရာဇဝတ်ကျင့်ထုံးကို ခဂျပဒေပုဒ်မ ၇၅။)

နိုယ်ရာဇဝတ်တရားသူကြီးခုံးတော်၌။

၁၉ ခုနှစ်။ မှုနံပါတ်။

(၁) သိစေရမည်။

(၀) ၆ါရမ်းကို အတည်ပြု လုပ်ရ မည့်သူ (သို့မဟုတ်) အတည်ပြုလုပ် ရမည့်သူတို့ အမည် နှင့် အလုပ် အကိုင်ကို ထည့်သွင်း။

(၂) ပြစ်မှုအမည်ကို ထည့်သွင်း။

သားဖြစ်သူ ရပ်နေ။

ဤ (၂)

နှင့်စွဲဆိုချက်ရှိသည်ဖြစ်၍။

မောင်မင်းက။ငင်း ကိုဘမ်းခေါ်၍ရုံးတော်ရှေ့တင်ပို့ရမည်။

ငြင်းအမိန့်အတိုင်းမတည်မရှိစေရ။

၉၉ ခုနှစ်၊ လ ရက်။

ရာဇဝတ်တရားသူကြီး။

ဆိုခဲ့သည့် သည်ဤရုံးတော်ရှေ့သို့။ ၁၉ ခုနှစ်၊

လ ရက်နေ့တွင် လာ ရောက်၍။ ငင်းနောက် ဤရုံးတော်က အခြား

နည်းအမိန့်ဆင့်ဆိုမရှိမီအတွင်းဆက်လက်လာရောက်ပါမည့်အကြောင်းနှင့်။မိမိကိုယ်တိုင်ငွေ

တန်ဝန်ခံ၍။ငွေ တန်ခံဝန်သူ ယျောက်ကိုပေးလျှင်။လွှတ်ထားခွင့်

ရှိမည်။

၉၉ ခုနှစ်၊ လ ရက်။

ရာဇဝတ်တရားသူကြီး။

G.B.Y.B.P.—No. 1966, 28-1-38—99,912.

Cts 172-37-13 No. P 513 (79
Rec. one warrants
To 8.11.38

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

The Dist. Magistrate
Bangalore Dist

Sir

I am directed to invite reference to the Correspondence ending With your letter
Flag J No J. 1233/37-38 Dt 18.5.38 re the Surrender Of A Srikantia to Burma and also to
Flag L Govt Note No P.6 990/Cts 172-37 Dt 14.6.1938 relating to the Surrender of fugitive Offenders to Burma. and to enclose a warrant for the Surrender Of A. Srikantia, formerly a Clerk in the Indian Merchants Bank Ltd at Bangalore City and now residing at Bangalore City who is accused Of having

WD 0522—GPB—7,500—16.2.37

Committed an Extradition Offence
punishable under Sec 409
I.P.C

I am to request that
the Accused may be surrendered
to the ~~[illegible]~~ British Police at the nearest Railway Station
for being handed over to the
Concerned Authorities in Burma.

A report of action taken
in the matter may kindly be
forwarded to Govt very early

I have etc

MMS
20-7-38

Chief Secretary to Govt

BMR
20-7

(80

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

Warrant in pursuance of Govt Notification No P 6990 / Cls 172-37 Dt 14-6-1938 regulating the surender of fugitive Criminals from Mysore to Burma.

To

The Dist. Magistrate
Bangalore Dist

Whereas a requisition has been made by the Government of Burma for the surender of the following person namely, A. Sivkantiah formerly a Clerk in the Indian Merchants Bank Limited Bangalore City, who is accused of having committed in the Province of Burma an extradition offence punishable under Section

WD 0522—GPB—7,500—16.2.37

(81)

409 Of the Indian Penal Code
You are hereby required to
deliver the above named
A. Srikantiah to the nearest
British Police authorities for
being escorted to the Province
Of Burma.

Given under my hand and
Seal at Bangalore this the
Twenty first day Of July 1938.

1115/20.7.38

Chief Secretary

1152/20.7

No. P 513
Cts 172-37-11
Issue one warrant

(82

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 21-7-1938

No.

From

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

To

The District Magistrate,
Bangalore District.

Sir,

I am directed to invite reference to the correspondence ending with your letter No. J1 1233/37-38 dated the 18th May 1938 re- the surrender of A. Srikantiahto Burma and also to Government Notification No. P. 6990/Cts. 172-37 dated the 14th June 1938 relating to the surrender of fugitive offenders to Burma and to enclose a warrant for the surrender of A. Srikantiah, formerly a clerk in the Indian Merchants Bank, Limited, at Bangalore City and now residing at Bangalore City who is accused of having committed an extradition offence punishable under Section 409, Indian Penal Code.

I am to request that the accused may be surrendered to the British Police at the nearest Railway Station for being handed over to the concerned authorities in Burma.

A report of action taken in the matter may kindly be forwarded to Government very early.

I have the honor to be,
S i r ,
Your most obedient servant,

MS
21.7.38

Chief Secretary to Government.

P.H.

(83

GOVERNMENT OF H.HIS HIGHNESS THE MAHARAJA OF MYSORE,

General and Revenue Secretariat,

WARRANT IN PURSUANCE OF GOVERNMENT NOTIFICATION NO.P.6990/ Cts. 172-37 DATED 14th JUNE 1938 REGULATING THE SURRENDER OF FUGITIVE CRIMINALS FROM MYSORE TO BURMA.

To

The District Magistrate,
Bangalore District.

Whereas a requisition has been made by the Government of Burma for the surrender of the following person namely, A. Srikantiah, formerly a clerk in the Indian Merchants Bank Limited, Bangalore City, who is accused of having committed in the Province of Burma an extradition offence punishable under Section 409 of the Indian Penal Code, you are hereby required to deliver the above named A. Srikantiah to the nearest British Police authorities for being escorted to the Province of Burma.

Given under my hand and seal at Bangalore this the TWENTY-FIRST day of July 1938.

GOVT. OF HIS HIGHNESS THE MAHARAJA OF MYSORE

21.7.38

Chief Secretary to Government.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 22nd July 1938

No. Rol/129

From

The *Chief Secretary to the Government of His Highness the Maharaja of Mysore.*

To

The Secretary to the Hon'ble the Resident in Mysore.

Sir,

With reference to your letter No.R.Dis.F.22(i)-38/R.O.I dated 18th July 1938 regarding the extradition of A.Srikantiah to Burma, I am directed to state that a warrant has been issued on 21st July 1938 to the District Magistrate, Bangalore District, for the surrender of the accused to the British Police at the nearest Railway Station.

I have the honor to be,
Sir,
Your most obedient servant,

for Chief Secretary to Government.

(85

Appendix F G—1]

SUBJECT.....

.....

.....

Section C/5

File No. 172-37

Serial No. 14.

Diary No. of letter replied to .....

No. R of 129

To

General and Revenue Secretariat

( )

the *193* .

The Secretary

to the Hon'ble the Resident

Date of issue 27. 7. 38

Sir

Signed by Mr. B. K. R

With reference to your letter No R Dis 7 22(1)-38/RoI dt 18. 7. 1938 regarding the extradition of A. Sivakantan to Burma, I am directed to state that a Warrant has been issued on 21. 7. 1938 by the D.M. Bangalore Dist for the surrender of the accused to the British police at the

List of enclosures.....

Copied by.....

Examined by.....

IMMEDIATE.

In all future communications, please quote
No. J1-123/38-39.
Enc.

Tel. Address.—"DEPCOM"
Post Box No. 34.

OFFICE OF THE DISTRICT MAGISTRATE,
BANGALORE DISTRICT.

Dated Bangalore, the.....29th July.....*193*8

FROM

Abdul Aziz Khan, Esq., B.A.,
District Magistrate,
Bangalore District.

CHIEF SECRETARY, Law, 30 Jul 1938, GOVT. OF MYSORE.

To

B.T. Kesavaiengar, Esq., B.A.,
Chief Secretary to the Government
of Mysore, Bangalore.

SIR,

Subject:—

In continuation of my letter of even number dated 27th July 1938 in the matter of surrender of accused A. Srikantaiya, to Burma, I have the honour to state that the High Court of Mysore, Bangalore, have in their order in Cr. R.P. No.27/38-39 dated 27th July 1938, directed that the removal of A. Srikantaiya to Burma be stayed pending disposal of the Revision petition on the file of the High Court. The order was duly communicated to the City Superintendent of Police, Bangalore, and the Commissioner of Police, C & M Station, Bangalore, for information and immediate needful action. The City Superintendent of Police Bangalore, reports in his letter No.C.B. 85/38-39 dated 29-7-1938 that the Commissioner of Police, C & M Station, Bangalore, has sent away the accused A. Srikantaiya, to Burma, yesterday under proper escort.

I have the honour to be,
S i r,
Your most obedient servant,

District Magistrate,
Bangalore District.

gvm/-